

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

SHALER EAGLE,

Petitioner,

v.

Civil Action No. 2:08cv80

WILLIAM FOX, Warden,

Respondent.

ORDER

It will be recalled that on August 15, 2008, Magistrate Judge Kaull filed his Report and Recommendation, wherein the Petitioner was directed, in accordance with 28 U.S.C. §636(b)(1), to file with the Clerk of Court any written objections within ten (10) days after being served with a copy of the Report and Recommendation. On August 20, 2008, the Court received Petitioner's objections.

Upon examination of the report from the Magistrate Judge, it appears to the Court that all matters raised and suggested by Magistrate Judge Kaull in his Report and Recommendation are appropriate. Further, upon review of the Petitioner's objections, it does not appear that the Petitioner has raised any issues that weren't already considered by Magistrate Judge Kaull in his Report and Recommendation. Therefore, upon a de novo review, it is

ORDERED that Magistrate Judge Kaull's Report and Recommendation be, and the same hereby is, accepted in whole and that this civil action be transferred in accordance with the recommendation of the Magistrate Judge. Accordingly, it is hereby

ORDERED that the above-styled civil action be, and the same hereby is, **TRANSFERRED** to the United States District Court for the Southern District of West Virginia for all further proceedings. It is further

ORDERED that the above-styled action be terminated from this Court's active docket upon transfer.

The Clerk is directed to send the original file to the Clerk's Office for the Charleston Division of the Southern District of West Virginia. The Clerk is further directed to mail a copy of this Order to the *pro se* Petitioner.

ENTER: October 10th, 2008

/s/ Robert E. Maxwell

United States District Judge